

REMARKS

An Office Action was mailed on October 23, 2003. Claims 1-17 are pending.

Applicant is enclosing herewith a replacement drawing sheet including FIGS. 1-5 to add reference number 16, representing the link side opposite the gap 12, to FIG. 1. Support for such amendment can be found on page 5, line 12 of the specification.

Applicant is enclosing herewith an Information Disclosure Statement for the review and consideration of the Examiner.

Claims 1-12 and 14-17 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Rosenwasser (U.S. Patent 5,531,065), while claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Rosenwasser '065.

The Rosenwasser '065 teaching is limited to faceting by cutting or shaving, while the present invention is limited to faceting by a non-cutting deformation. In particular, the Examiner is respectfully directed to the definition of "faceting" as set forth in the Summary of the Invention section:

The term "faceting" as used herein describes a process whereby the outer periphery of a hollow chain link is provided with a flat, shiny surface. ... With hollow chain links, this process of "faceting" becomes challenging because the outer wall is thin, and any uncontrolled cutting is likely to damage the integrity of the outer wall. Thus, the term "faceting" as applied to hollow chain links usually means deforming with a blunt instrument or a wheel or by any other means known in the art, such that the outer peripheral wall is moved inward or is deformed away from its original position, and not cut away completely like with diamond cutting of solid chain links. Such deformation or contouring is also known in the art as "simulated" faceting, as the final appearance of the hollow link, with a brilliant, lustrous surface, is similar to the appearance created by diamond cutting a solid chain link. (page 2, lines 9-21)

Thus, to overcome the teachings of Rosenwasser '065, Applicant has limited the claims to faceting through a non-cutting deformation in accordance with the definition of "faceting" set forth above. Specifically, Applicant has amended element (b) of claim 1 as follows: *a first end opposite said gap, lateral sides adjacent said gap and further comprising a faceted surface*

obtained through a non-cutting deformation or movement of an outer wall of said surface on at least one of said lateral sides.” Applicant has also added a new claim 18 to the method of creating a jewelry rope chain as set forth in claim 1. Support for such amendment to claims 1-17 and the faceting step in new claim 18 can be found on page 2, lines 9-21 of the specification.

Applicant respectfully submits that such amendment to claims 1-17 results in a jewelry rope chain having a different structure than originally claimed and as set forth in Rosenwasser ‘065. In Rosenwasser ‘065, the link is cut or shaved upon faceting, resulting in a reduction in link material. In the claimed jewelry rope chain, the faceting does not result in a reduction of link material, and therefore the integrity of the link is not jeopardized upon faceting. In Rosenwasser ‘065, the faceting destroys the integrity of the link through a cutting or shaving of link material from the outer surfaces of the links. Thus, a comparison of the resultant Rosenwasser ‘065 and claimed chains would clearly reveal structures that are inherently different.

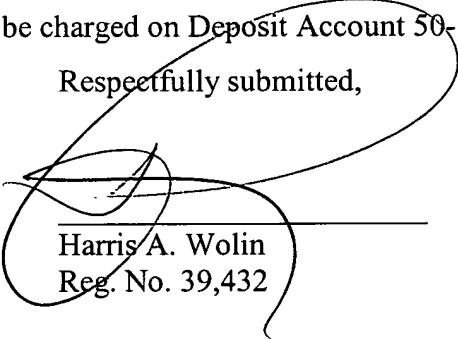
Accordingly, Applicant respectfully disagrees with the Examiner that the claims as amended are taught by Rosenwasser ‘065. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ...claim.” (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). “The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required.” (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

In this case, Rosenwasser ‘065 fails to teach the claimed invention as required by the MPEP, and in particular the faceting through a non-cutting deformation as set forth in the claims. Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 102(b).

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-18, consisting of independent claims 1 and 18 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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